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Attorney for Plaintiff
ENVIRONMENTAL RESEARCH CENTER, INC.

ENDORSED
FILED
ALAMEDA COUNTY

NOV 14 2018

CLERK OF THE SUPERIOR COURT
By CURTIYAH GANTER

Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

ENVIRONMENTAL RESEARCH CENTER,
INC., a non-profit California corporation,

Plaintiff,

vs.

EPIGENETIC LABS LLC, individually and
doing business as ORGANIXX, a Nevada
limited liability company,

Defendant.

Case No.

RG18928439

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

Health & Safety Code §25249.5, *et seq.*

Plaintiff Environmental Research Center, Inc. ("PLAINTIFF" or "ERC") brings this
action in the interests of the general public and, on information and belief, hereby alleges:

INTRODUCTION

1. This action seeks to remedy the continuing failure of Defendant EPIGENETIC
LABS LLC, individually and doing business as ORGANIXX ("ORGANIXX" or
"DEFENDANT") to warn consumers in California that they are being exposed to lead and/or
cadmium, substances known to the State of California to cause cancer, birth defects, and other
reproductive harm. DEFENDANT manufactures, packages, distributes, markets, and/or sells

1 in California certain products containing lead and/or cadmium (collectively, the
2 "PRODUCTS"):

- 3 • **Organixx Bone Broth Protein Smooth Chocolate (lead)**
- 4 • **Organixx OrganiGreens Activated Green Juice (lead, cadmium)**
- 5 • **Organixx Detoxx¹ Colon and Lymphatic System Support (lead)**
- 6 • **Organixx OrganiZymes Live Digestive Enzymes (lead)**
- 7 • **Organixx Bone Broth Protein Creamy Vanilla (lead)**
- 8 • **Organixx Multi-Vita-Maxx Daily Multi-Vitamin Plus Mineral (lead)**
- 9 • **Organixx Turmeric 3D Fermentation Activated Immune Support (lead)**
- 10 • **Organixx 7M + Immune Support (lead)**
- 11 • **Organixx OrganiGreens Pure Activated Green Juice (lead)**

12 2. Lead and cadmium (hereinafter, the "LISTED CHEMICALS") are substances
13 known to the State¹ of California to cause cancer, birth defects, and other reproductive harm.

14 3. The ingestion of the PRODUCTS causes exposure to the LISTED CHEMICALS
15 at levels requiring a "clear and reasonable warning" under California's Safe Drinking Water
16 and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code") §25249.5, *et seq.*
17 (also known as "Proposition 65"). DEFENDANT has failed to provide the health hazard
18 warnings required by Proposition 65.

19 4. DEFENDANT's past and continued manufacturing, packaging, distributing,
20 marketing, and/or sales of the PRODUCTS without the required health hazard warnings,
21 causes or threatens to cause individuals to be involuntarily and unwittingly exposed to levels of
22 the LISTED CHEMICALS that violate or threaten to violate Proposition 65.

23 5. PLAINTIFF seeks injunctive relief enjoining DEFENDANT from the continued
24 manufacturing, packaging, distributing, marketing, and/or sales of the PRODUCTS in
25

26

¹ All statutory and regulatory references herein are to California law, unless otherwise specified.

1 California without provision of clear and reasonable warnings regarding the risks of cancer,
2 birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICALS
3 through the ingestion of the PRODUCTS. PLAINTIFF seeks an injunction compelling
4 DEFENDANT to bring its business practices into compliance with Proposition 65 by providing
5 a clear and reasonable warning to each individual who has been and who in the future may be
6 exposed to the LISTED CHEMICALS from the ingestion of the PRODUCTS. PLAINTIFF
7 also seeks an order compelling DEFENDANT to identify and locate each individual person
8 who in the past has purchased the PRODUCTS, and to provide to each such purchaser a clear
9 and reasonable warning that ingestion of the PRODUCTS will cause exposures to the LISTED
10 CHEMICALS.

11 6. In addition to injunctive relief, PLAINTIFF seeks an assessment of civil
12 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by
13 Proposition 65 to remedy DEFENDANT's failure to provide clear and reasonable warnings
14 regarding exposures to the LISTED CHEMICALS.

15 JURISDICTION AND VENUE

16 7. This Court has jurisdiction over this action pursuant to California Constitution
17 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes
18 except those given by statute to other trial courts." The statute under which this action is
19 brought does not specify any other basis for jurisdiction.

20 8. This Court has jurisdiction over DEFENDANT because, based on information
21 and belief, DEFENDANT is a business having sufficient minimum contacts with California, or
22 otherwise intentionally availing itself of the California market through the manufacture,
23 distribution and sale of the PRODUCTS in the State of California, to render the exercise of
24 jurisdiction over it by the California courts consistent with traditional notions of fair play and
25 substantial justice.

26 9. Venue in this action is proper in the Alameda Superior Court because the

1 DEFENDANT has violated or threatens to violate California law in the County of Alameda.

2 10. On May 29, 2018, PLAINTIFF sent a 60-Day Notice of Proposition 65 Violation
3 to the requisite public enforcement agencies and to ORGANIXX. On August 21, 2018,
4 PLAINTIFF sent a second 60-Day Notice of Proposition 65 Violation to the requisite public
5 enforcement agencies and to ORGANIXX (the May 29, 2018 Notice and August 21, 2018
6 Notice are collectively referred to as "Notices"). The Notices were issued pursuant to, and in
7 compliance with, the requirements of H&S Code §25249.7(d) and the statute's implementing
8 regulations regarding the notice of the violations to be given to certain public enforcement
9 agencies and to the violators. The Notices included, *inter alia*, the following information: the
10 name, address, and telephone number of the noticing individuals; the name of the alleged
11 violator; the statute violated; the approximate time period during which violations occurred;
12 and descriptions of the violations, including the chemicals involved, the route of toxic
13 exposure, and the specific product or type of product causing the violations, and were issued as
14 follows:

- 15 a. DEFENDANT was provided a copy of each of the Notices by Certified
16 Mail.
- 17 b. DEFENDANT was provided copies of a document entitled "The Safe
18 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
19 Summary," which is also known as Appendix A to Title 27 of CCR §25903.
- 20 c. The California Attorney General was provided a copy of each of the Notices
21 via online submission.
- 22 d. For each of the Notices, the California Attorney General was provided with
23 a Certificate of Merit by the attorney for the noticing parties, stating that
24 there is a reasonable and meritorious case for this action, and attaching
25 factual information sufficient to establish a basis for the certificate,
26 including the identity of the persons consulted with and relied on by the

1 certifier, and the facts, studies, or other data reviewed by those persons,
2 pursuant to H&S Code §25249.7(h) (2).

3 e. The district attorneys, city attorneys or prosecutors of each jurisdiction
4 within which the PRODUCTS are offered for sale within California were
5 provided with a copy of each of the Notices pursuant to H&S Code §
6 25249.7(d)(1).

7 11. At least 60 days have elapsed since PLAINTIFF sent the Notices to
8 DEFENDANT. The appropriate public enforcement agencies have failed to commence and
9 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against
10 DEFENDANT based on the allegations herein.

11 **PARTIES**

12 12. PLAINTIFF is a non-profit corporation organized under California's
13 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of
14 hazardous and toxic substances, consumer protection, worker safety, and corporate
15 responsibility.

16 13. ERC is a person within the meaning of H&S Code §25118 and brings this
17 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

18 14. DEFENDANT EPIGENETIC LABS LLC, individually and doing business as
19 ORGANIXX, is a limited liability company organized under the laws of the State of
20 Nevada and is a person in the course of doing business within the meaning of H&S Code
21 §25249.11.

22 15. DEFENDANT has manufactured, packaged, distributed, marketed, and /or sold
23 the PRODUCTS for sale or use in California and the County of Alameda. ERC is informed and
24 believes, and thereupon alleges, that DEFENDANT continues to manufacture, package,
25 distribute, market and/or sell the PRODUCTS for sale or use in California and in Alameda
26

1 County. DEFENDANT knows and intends that the PRODUCTS are distributed, marketed and
2 sold to consumers in California.

3 STATUTORY BACKGROUND

4 16. The People of the State of California have declared in Proposition 65 their right
5 “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
6 reproductive harm.” (Section 1(b) of Initiative Measure, Proposition 65).

7 17. To effectuate this goal, Proposition 65 requires that individuals be provided
8 with a “clear and reasonable warning” before being exposed to substances listed by the State of
9 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
10 part:

11 No person in the course of doing business shall knowingly and intentionally
12 expose any individual to a chemical known to the state to cause cancer or
13 reproductive toxicity without first giving clear and reasonable warning to such
individual....

14 18. “‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of,
15 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
16 knowledge that the discharge, release or exposure is unlawful is required.” (27 California Code
17 of Regulations (“CCR”) § 25102(n).)

18 19. Proposition 65 provides that any “person who violates or threatens to violate” the
19 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase
20 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
21 probability that a violation will occur” (H&S Code §25249.11(e)). Violators are liable for civil
22 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

23 FACTUAL BACKGROUND

24 20. On February 27, 1987, the State of California officially listed the chemical lead
25 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
26 requirement one year later and was therefore subject to the “clear and reasonable” warning

1 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;
2 H&S Code §25249.5, *et seq.*). Due to the high toxicity of lead, the maximum allowable dose
3 level (MADL) for lead is 0.5 µg/day (micrograms a day) for reproductive toxicity. (27 CCR
4 § 25805(b).)

5 21. On October 1, 1992, the State of California officially listed the chemicals lead
6 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
7 subject to the warning requirement one year later and were therefore subject to the “clear and
8 reasonable” warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §
9 25000, *et seq.*; H&S Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the no
10 significant risk level for lead is 15 µg/day (micrograms a day). (27 CCR § 25705(b)(1).)

11 22. On May 1, 1997, the State of California listed the chemical cadmium as a
12 chemical known to cause reproductive toxicity. (State of California EPA OEHHA Safe
13 Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to the State to
14 Cause Cancer and Reproductive Toxicity.) The MADL for cadmium as a chemical known
15 to cause reproductive toxicity is 4.1 micrograms per day. (Cal. Code Regs., tit. 27, §
16 25805, subd. (b).)

17 23. On October 1, 1987, the State of California listed the chemicals cadmium
18 and cadmium compounds as chemicals known to cause cancer. (State of California EPA
19 OEHHA Safe Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to
20 the State to Cause Cancer and Reproductive Toxicity.)

21 24. To test DEFENDANT’s PRODUCTS for lead and/or cadmium, PLAINTIFF
22 hired a well-respected and accredited testing laboratory. The results of testing undertaken by
23 PLAINTIFF of DEFENDANT’s PRODUCTS show that the PRODUCTS tested were in
24 violation of the 0.5 µg/day for lead and/or 4.1 µg/day for cadmium “safe harbor” daily dose
25 limits set forth in Proposition 65’s regulations. Ingestion of lead and/or cadmium produces
26 much higher exposure levels and health risks than dermal exposure to these chemicals.

1 25. At all times relevant to this action, DEFENDANT, therefore, has knowingly and
2 intentionally exposed the consumers of the PRODUCTS to the LISTED CHEMICALS without
3 first giving a clear and reasonable warning to such individuals.

4 26. The PRODUCTS have allegedly been sold by DEFENDANT for use in
5 California since at least May 29, 2015. The PRODUCTS continue to be distributed and
6 sold in California without the requisite warning information.

7 27. On May 29, 2018 and August 21, 2018, ERC served DEFENDANT and each of
8 the appropriate public enforcement agencies with Proposition 65 Notices, documents entitled
9 "Notice of Violations of California Health & Safety Code Section 25249.5" that provided
10 DEFENDANT and the public enforcement agencies with notice that DEFENDANT was in
11 violation of Proposition 65 for failing to warn purchasers and individuals using the
12 PRODUCTS that the ingestion of the PRODUCTS exposes them to lead and/or cadmium,
13 chemicals known to the State of California to cause cancer and/or reproductive toxicity (true
14 and correct copies of the 60-Day Notices are attached hereto as **Exhibits A and B**,
15 respectively, and are incorporated by reference).

16 28. As a proximate result of acts by DEFENDANT, as a person in the course of
17 doing business within the meaning of Health & Safety Code §25249.11, individuals throughout
18 the State of California, including in the County of Alameda, have been exposed to the LISTED
19 CHEMICALS without a clear and reasonable warning. The individuals subject to the illegal
20 exposures include normal and foreseeable consumers of the PRODUCTS, as well as all other
21 persons exposed to the PRODUCTS.

22 **FIRST CAUSE OF ACTION**
23 **(Injunctive Relief for Violations of Health and Safety Code § 25249.5, *et seq.* concerning**
24 **the PRODUCTS described in PLAINTIFF's Notices)**
 Against DEFENDANT

25 29. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 28,
26 inclusive, as if specifically set forth herein.

1 30. By committing the acts alleged in this Complaint, DEFENDANT, at all times
2 relevant to this action, and continuing through the present, has violated or threatens to violate
3 H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing
4 individuals who ingest the PRODUCTS set forth in the Notices to the LISTED CHEMICALS,
5 without first providing a clear and reasonable warning to such individuals pursuant to H&S
6 Code §§ 25249.6 and 25249.11(f).

7 31. By the above-described acts, DEFENDANT has violated or threatens to violate
8 H&S Code § 25249.6 and is therefore subject to an injunction ordering DEFENDANT to stop
9 violating Proposition 65, to provide warnings to all present and future customers, and to
10 provide warnings to DEFENDANT's past customers who purchased or ingested the
11 PRODUCTS without receiving a clear and reasonable warning.

12 32. An action for injunctive relief under Proposition 65 is specifically authorized by
13 Health & Safety Code §25249.7(a).

14 33. Continuing commission by DEFENDANT of the acts alleged above will
15 irreparably harm the citizens of the State of California, for which harm they have no plain,
16 speedy, or adequate remedy at law.

17 Wherefore, PLAINTIFF prays for judgment against DEFENDANT, as set forth
18 hereafter.

19 **SECOND CAUSE OF ACTION**
20 **(Civil Penalties for Violations of Health and Safety Code § 25249.5, et seq. concerning the**
21 **PRODUCTS described in PLAINTIFF's Notices)**
 Against DEFENDANT

22 34. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 33,
23 inclusive, as if specifically set forth herein.

24 35. By committing the acts alleged in this Complaint, DEFENDANT at all times
25 relevant to this action, and continuing through the present, has violated H&S Code §25249.6
26 by, in the course of doing business, knowingly and intentionally exposing individuals who

1 ingest the PRODUCTS set forth in the Notices to the LISTED CHEMICALS, without first
2 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§
3 25249.6 and 25249.11(f).

4 36. By the above-described acts, DEFENDANT is liable, pursuant to H&S Code
5 §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to
6 the LISTED CHEMICALS from the PRODUCTS.

7 Wherefore, PLAINTIFF prays for judgment against DEFENDANT, as set forth
8 hereafter.

9 **THE NEED FOR INJUNCTIVE RELIEF**

10 37. PLAINTIFF re-alleges and incorporates by this reference Paragraphs 1 through
11 36, as if set forth below.

12 38. By committing the acts alleged in this Complaint, DEFENDANT has caused or
13 threatens to cause irreparable harm for which there is no plain, speedy or adequate remedy at
14 law. In the absence of equitable relief, DEFENDANT will continue to create a substantial risk
15 of irreparable injury by continuing to cause or threatening to cause consumers to be
16 involuntarily and unwittingly exposed to the LISTED CHEMICALS through the ingestion of
17 the PRODUCTS.

18 **PRAYER FOR RELIEF**

19 Wherefore, PLAINTIFF accordingly prays for the following relief:

20 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
21 enjoining DEFENDANT, its agents, employees, assigns, and all persons acting in concert or
22 participating with DEFENDANT, from distributing or selling the PRODUCTS in California
23 without first providing a clear and reasonable warning, within the meaning of Proposition 65,
24 that the consumers of the PRODUCTS are exposed to the LISTED CHEMICALS;

25 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling
26 DEFENDANT to identify and locate each individual who has purchased the PRODUCTS since

1 May 29, 2015, and to provide a warning to such person that ingestion of the PRODUCTS will
2 expose the consumer to chemicals known to cause birth defects and other reproductive harm;

3 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
4 against DEFENDANT in the amount of \$2,500 per day for each violation of Proposition 65;

5 D. an award to PLAINTIFF of its reasonable attorney's fees and costs of suit
6 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further
7 application to the Court; and

8 E. such other and further relief as may be just and proper.
9

10 DATED: November 14, 2018

LAW OFFICE OF RICHARD M. FRANCO

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12 

13 Richard M. Franco
14 Attorney for Plaintiff
15 Environmental Research Center, Inc.
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EXHIBIT A

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LAW OFFICE OF RICHARD M. FRANCO

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VIA CERTIFIED MAIL

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Stateline, NV 89449

Current President or CEO
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Stateline, NV 89449

Current President or CEO
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4610 Prime Parkway
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Northwest Registered Agent, LLC.
(Registered Agent for Epigenetic Labs LLC,
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May 29, 2018

Page 2

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VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA FIRST CLASS MAIL

District Attorneys of Select California
Counties and Select City Attorneys
(See Attached Certificate of Service)

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

Epigenetic Labs LLC, individually and doing business as Organixx

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

1. **Organixx Bone Broth Protein Smooth Chocolate - Lead**
2. **Organixx OrganiGreens Activated Green Juice - Lead, Cadmium**
3. **Organixx Detoxx¹ Colon And Lymphatic System Support - Lead**
4. **Organixx OrganiZymes Live Digestive Enzymes - Lead**
5. **Organixx Bone Broth Protein Creamy Vanilla - Lead**
6. **Organixx Multi-Vita-Maxx Daily Multi-Vitamin Plus Mineral - Lead**
7. **Organixx Turmeric 3D Fermentation Activated Immune Support - Lead**
8. **Organixx 7M + Immune Support - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which has exposed and continues to expose numerous individuals within California to the identified chemicals, lead and cadmium. The consumer exposures that are the subject of this

May 29, 2018

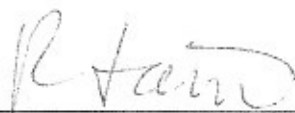
Page 4

notice result from the recommended use of these products by consumers. The route of exposure to lead and cadmium has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead and cadmium. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead and cadmium. Each of these ongoing violations has occurred on every day since May 29, 2015, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Epigenetic Labs LLC, individually and doing business as Organixx, and its Registered Agent for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

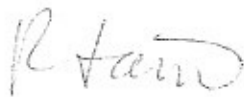
CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Epigenetic Labs LLC, individually and doing business as Organixx

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of the notice.
4. Based on the information obtained through those consultants, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: May 29, 2018



Rick Franco

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On May 29, 2018, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO
Epigenetic Labs LLC, individually and
doing business as Organixx
P.O. Box 4470
Stateline, NV 89449

Current President or CEO
Epigenetic Labs LLC, individually and
doing business as Organixx
4610 Prime Parkway
McHenry, IL 60050

Current President or CEO
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297 Kingsbury Grade, Suite 1043
Stateline, NV 89449

Northwest Registered Agent, LLC.
(Registered Agent for Epigenetic Labs
LLC, individually and doing business
as Organixx)
401 Ryland Street, Suite 200A
Reno, NV 89502

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Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On May 29, 2018, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Michelle Latimer, Program Coordinator
Lassen County
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Susanville, CA 96130
mlatimer@co.lassen.ca.us

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

May 29, 2018

Page 7

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DAProp65@co.santa-barbara.ca.us

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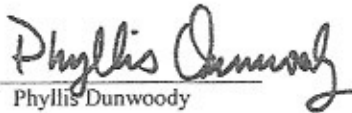
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

May 29, 2018

Page 8

On May 29, 2018, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on May 29, 2018, in Fort Oglethorpe, Georgia.


Phyllis Dunwoody

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

May 29, 2018

Page 9

Service List

District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive,
Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles County
Hall of Justice
211 West Temple St., Ste 1200
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive,
Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive,
Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
303 West Third Street
San Bernardino, CA 92415

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
100 Courthouse Square, 2nd Floor
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
463 2nd Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tuolumne County
423 N. Washington Street
Sonoma, CA 95370

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113

EXHIBIT B

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LAW OFFICE OF RICHARD M. FRANCO

6500 ESTATES DRIVE
OAKLAND, CA 94611
510.684.1022
RICK@RFRANCOLAW.COM

VIA CERTIFIED MAIL

Current President or CEO
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doing business as Organixx
P.O. Box 4470
Stateline, NV 89449

Current President or CEO
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401 Ryland Street, Suite 200A
Reno, NV 89502

VIA ELECTRONIC MAIL

Nancy O'Malley, District Attorney
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7677 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

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sgrassini@contracostada.org

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jbarnes@sonoma-county.org

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Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA FIRST CLASS MAIL

District Attorneys of Select California
Counties and Select City Attorneys
(See Attached Certificate of Service)

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

Epigenetic Labs LLC, individually and doing business as Organixx

The product that is the subject of this notice and the chemical in that product identified as exceeding allowable levels are:

Organixx OrganiGreens Pure Activated Green Juice

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed product. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed product, which has exposed and continues to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the recommended use of this product by consumers. The route of exposure to lead has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting this product that they are being exposed to lead. Each of these ongoing violations has occurred on every day since August 21, 2015, as well as every day since the

August 21, 2018

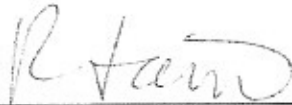
Page 4

product was introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed product so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above product in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Epigenetic Labs LLC, individually and doing business as Organixx and its Registered Agent for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

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Oakland, CA 94621
CEPDProp65@acgov.org

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

August 21, 2018

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